

THE COURTS.

Opening of the James Street Murder Trial.

THE OLD BROADWAY BANK SUIT.

An Interesting Real Estate Transaction.

In the quo warranto proceedings against Judge Flanagan, to test the legality of his election as Chief Justice of the annexed district, the case was called yesterday in Supreme Court before Judge Van Brunt. In the present phase of the case it is not likely to reach a trial before Friday.

An illicit distillery, with twenty hogheads of molasses and several tubs of mash, was seized yesterday by Marshals Crowley and Newcome at the foot of Thirty-eighth street, North River. No persons were found on the premises, time for escape being furnished in consequence of the difficulty of effecting a landing by boat through the ice.

A quantity of diamond jewelry, valued at \$6,000, was recently seized on a charge of smuggling. They were claimed by Mr. Leon Loeb, who brought action for their recovery. The case was tried yesterday, and Judge and Justice directed a verdict for the claimant.

The committee appointed by the Chamber of Commerce to visit Albany for the purpose of urging the passage of the amended act instituting the Court of Arbitration met at the Chamber yesterday for consultation. They will proceed to Albany to-day, and will appear before the Judiciary Committee of the Senate this afternoon by special appointment. The committee consists of the following gentlemen:—William E. Dodge, A. A. Low, Samuel D. Babcock, Elliott F. Shepard, James M. Brown, Joseph Seligman, Elliott C. Cowdin, Henry F. Spaulding, Abram S. Hewitt, Royal Phelps, Jackson S. Schultz, Gustav Schwab.

THE JAMES STREET MURDER.

The trial of James Reilly for the alleged murder of Nicholas Schumacher on the night of the 5th of December last, at the dance house No. 95 James street, was resumed yesterday before Judge Barrett in the Court of Oyer and Terminer. The prisoner, having the same look of stolid indifference, occupied a seat by Mr. Wm. F. Kintzing, his counsel. District Attorney Phelps and his assistant, Mr. Lyon, were present to conduct the prosecution. On the reopening of the Court the latter opened the case in his usual clear and sententious style. He recited the facts of the killing, corroborated the story as heretofore given in the Herald. He insisted that the evidence should give would fully justify the indictment of murder in the first degree.

Lewis Hink was the first witness called, and testified as follows:—I live in Jersey City, on the 5th of December last I went with three friends to the liquor saloon No. 95 James street; it was between six and eight o'clock in the evening; the barkeeper, Peter Smith, and Schumacher, the deceased, were in; the prisoner asked me to treat, and I refused to do it, and he then struck me in the eye; I called on my friends to help me; Schumacher caught hold of Reilly and put him out of the place and then barred the door; about twenty minutes after Reilly was put out Schumacher opened the door and the prisoner came threatening words against the deceased; Schumacher shortly exclaimed, "I am stabbed!" I went away soon after; Reilly appeared to be under the influence of liquor, but he knew damned well what he was about.

"Do you mean to swear," interrupted, indignantly, Judge Barrett, "in the presence of the Court?"

"I ask your pardon," stammered the witness, "please excuse me this time."

"There is no excuse," continued the Judge. "I am not sure but that you will go to jail when you have finished your testimony."

The witness was cross-examined at length, but was unable to get out of the hands of the cross-examiners. He confessed that the prisoner had blood on his face, but denied his being knocked down while in the saloon; he said he saw no crowd of people; he said he saw no crowd of people; he said he saw no crowd of people.

Smith, the barkeeper, was the next witness. He testified to the same facts substantially as the previous witness; he said that he went to the saloon at the time of the killing, and that he saw the prisoner and the deceased; he said that he saw the prisoner and the deceased; he said that he saw the prisoner and the deceased.

"Did you see the prisoner's brother?" was asked the question by the cross-examiner.

"I was too busy to see anything," he answered.

"But you saw him?"

"Yes, I saw him."

"Putting water into the liquor," I suppose, interrupted Mr. Phelps.

"The more water he would put in the better," said Mr. Kintzing, who was the cross-examiner.

Three years ago, when he was writing a letter in one of the upper stories, he heard a row and went down stairs; after the stabbing he went for a policeman, who arrived to see the prisoner; he was too excited to notice whether the prisoner was covered with blood or not.

The next testimony was the medical evidence, which was given by Dr. Ambrose and Hull, of the Park Hospital. Both testified that the deceased died of hospital gangrene, the result of his wounds.

Officer Mahoney, of the Fourth Precinct, testified to arresting the prisoner; Schumacher charged the prisoner with the killing, and the latter denied it; found in Reilly's possession a knife (produced in Court) with which the fatal stab was inflicted.

The above closed the evidence. The case was then taken up by the cross-examination of the witnesses. Mr. Kintzing now proceeded to open the case for the defense. He claimed that the stab was in the back, and that the prisoner was a sailor, had gone to this dance house, where he was robbed; that he was badly beaten as well as robbed, and that he got into the saloon, where he was set upon again, when he drew his knife in self-defense. When he had finished, he having given an unusually impassioned and effective account of the case, he was asked by the cross-examiner, "Did you see the prisoner's brother?"

"Yes, I saw him," he answered.

"Did you see the prisoner's brother?"

"Yes, I saw him."

The prisoner's brother now took the stand. He said that he was born in Ireland and followed the sea for a living; on the night in question he was at the dance house No. 95 James street. Some one jostled against him, and he went to the bar and thereupon the barkeeper and others set upon him, beat him, pitched him into the street and then locked him up. He said that he saw the prisoner and the deceased; he said that he saw the prisoner and the deceased; he said that he saw the prisoner and the deceased.

Patrick Davis testified that Reilly told him he had been robbed at 95 James street, and he went with him there to try and get his money. Reilly got into the place, but he was prevented going in. Shortly after he heard Reilly call out, "They are murdering me, fast come and help me!" As he could not get in he went away, and soon after he heard of the stabbing and Reilly's arrest.

This furnished all the testimony on both sides. The case will be summed up this morning, and a verdict is likely to be reached during the day.

THE RING'S REGIME AND CITY DEPOSITS.

While Mr. Palmer was Chamberlain of the city the National Broadway Bank was the depository of the city funds. As is well known a suit has been for some time pending between the city and the bank, in which the city seeks to recover \$65,000, alleged to have been paid by the bank from funds of the city on deposit, in warrants, either improperly drawn, improperly counter-signed or improperly indorsed. An additional claim is also put in by the city for some \$300,000, alleged interest upon daily balances of moneys deposited between September 16, 1869, and May 1, 1873. Of course, as will be seen, this period covers the time when the "Ring," with ex-Issac Weed at the head, was in the zenith of its power, and most of the money now sued for is alleged to have been paid on illegal warrants drawn in connection with the building of the new County Court House. It is not necessary, however, to give further details of the suit, the case having been so long before the courts. The fact that some vitality still exists in

the suit was shown in a motion made yesterday before Judge Lawrence, in Supreme Court, Chambers, on behalf of defendant for an order directing the Corporation Counsel to furnish a bill of particulars of the warrants alleged to have been either improperly drawn, counter-signed or indorsed, which would show the basis of the claim. There was quite an argument on the motion, the statements on either side developing nothing specially new or interesting.

It was contended by Messrs. J. C. Carter and Simon Stern, who appeared on behalf of the city, that the complaint was sufficiently definite in setting forth the grounds of the claim. It was clearly and specifically alleged in the complaint that within certain intervals of time certain amounts of money had been deposited in the bank, that a balance of over \$60,000, belonging to the city, remains still on deposit in the bank, and that the balance of the same should be obtained for such sum still on deposit. There certainly could be no more simple or clearer case than this, and no bill of particulars was necessary to give on this point further information to the bank.

Ex-Judge Emory urged in reply that the complaint did not present the simple issue of whether there still remained in the bank a balance of money belonging to the city. He insisted that there could be only dispute as to the moneys deposited by the city in the bank had been paid out, and the city's sole right of action rested on the assumption that the amount claimed in the present suit had been improperly paid out on warrants which had been improperly drawn, improperly counter-signed or improperly indorsed. These alleged irregular warrants did not date from any particular time, but were of different dates and mixed up with other warrants alleged to be irregular. To enable the court to properly prepare his defence and intelligently meet the issue, it was insisted that a bill of particulars was essential, and such bill of particulars should specifically set forth the warrants alleged to have been improperly drawn, those alleged to have been counter-signed, those alleged to have been indorsed, and those alleged to have been improperly indorsed. At the close of the argument Judge Lawrence took the papers, reserving his decision.

A REAL ESTATE TRANSACTION.

Jacob H. V. Cockroft brought an action against the New York and Harlem Railroad Company to recover the sum of \$7,510 for damages for an alleged breach of contract for the sale of real estate. In February, 1867, the defendants advertised for sale at public auction a certain number of lots of land on Fourth avenue, between Thirty-second and Thirty-third streets, and on the 7th day of that month the property was sold, at which sale one lot, on the south-west corner of Fourth avenue and Thirty-second street, was knocked down to the plaintiff for \$1,000. The terms of sale were ten per cent to be paid on the day of sale and the balance to be paid on the 1st day of March, 1867. The case came to trial yesterday in the Court of Oyer and Terminer, before Judge Barrett. It appeared in evidence that at the time of the sale the lot of land was encumbered by two mortgages in trust to secure the payment of certain bonds of the defendant railroad company, and that the plaintiff was very much times more than the amount of the bonds were intended to secure. The plaintiff was offered the property in re-use to accept a deed of the property unless the liens were discharged of record. This the defendant refused to do, and the plaintiff was forced to pay the mortgage in full. The plaintiff then brought this action to recover the sum of \$7,510 for damages for an alleged breach of contract for the sale of real estate. In February, 1867, the defendants advertised for sale at public auction a certain number of lots of land on Fourth avenue, between Thirty-second and Thirty-third streets, and on the 7th day of that month the property was sold, at which sale one lot, on the south-west corner of Fourth avenue and Thirty-second street, was knocked down to the plaintiff for \$1,000. The terms of sale were ten per cent to be paid on the day of sale and the balance to be paid on the 1st day of March, 1867. The case came to trial yesterday in the Court of Oyer and Terminer, before Judge Barrett. It appeared in evidence that at the time of the sale the lot of land was encumbered by two mortgages in trust to secure the payment of certain bonds of the defendant railroad company, and that the plaintiff was very much times more than the amount of the bonds were intended to secure. The plaintiff was offered the property in re-use to accept a deed of the property unless the liens were discharged of record. This the defendant refused to do, and the plaintiff was forced to pay the mortgage in full. The plaintiff then brought this action to recover the sum of \$7,510 for damages for an alleged breach of contract for the sale of real estate.

THE TOMBS POLICE COURT.

Before Judge Kibben.

HIGHWAY ROBBERY.

At about eleven o'clock on Friday night last as Mr. James Smith was walking through Batavia street, on his way to his home at No. 100 West street, he was accosted by a man named James Dougherty, who demanded his money. Mr. Smith refused to comply with this very unreasonable demand, and as a consequence was assaulted and robbed of his money and watch. The assault was committed at the corner of Batavia street, where names are not known and who have not yet been arrested. Dougherty denied the charge when arraigned and was held in default of \$1,000 bail to answer.

STABBED IN THE CHEEK.

John Bush went on Saturday to see Michael Parry, at No. 54 Mott street. An hour was spent in pleasant social intercourse and considerable beer consumed. Bush remarked that the hour was late and started to go home, when Parry laid him with having said or done something against him. Bush denied the charge, when Parry drew a dagger and struck Bush in the cheek. The assault was committed at the corner of Mott street, where names are not known and who have not yet been arrested. Parry denied the charge when arraigned and was held in default of \$1,000 bail to answer.

A TEA TRIP.

Thomas Nicholson was held in default of bail, on the warrant of William O'Neil, captain of the ninth precinct, at Jefferson Market Police Court, yesterday. He was retained till to-day to await the appearance of the complainant.

STEALING CLOTHING.

Max Heymann was committed for examination on two charges of stealing clothing. He claimed to have been driven to it by poverty.

ESSEX MARKET POLICE COURT.

Before Judge Sherwood.

ROBBERY A BOY.

Hugh Farrell was arraigned on a charge of stealing four vests from a boy named Herman Bernholz, of No. 612 East Seventeenth street. Young Bernholz was walking through avenue C on Saturday last with the vests on his arm, and when they were placed in his care by Mr. Thomas Bernholz, he was accosted by a man named Farrell, who snatched the vests from him and ran away. Farrell, who was arrested by Officer O'Connor, of the Eleventh precinct, was committed to the House of Detention in default of \$1,000 bail to answer.

BURGLARY IN FIFTH STREET.

Charles McNelly, of No. 53 Fifth street, accused Otto Knapp of breaking into his premises on the 21st of February and stealing therefrom a silver chain and other articles valued in all at \$50. Mr. McNelly was arraigned on this charge at the Police Court, where he was committed to the House of Detention in default of \$1,000 bail to answer.

MORE CAR PICKPOCKETS.

On Monday night, about seven o'clock, Mr. Charles Corley was riding on an East Broadway car, and when near Grand street he missed his watch. With the assistance of Officer Conlon, of the Twenty-ninth precinct, he was arrested, and George Williams and Charles Rogers were arrested. They were both brought before Judge Sherwood yesterday. Mr. Corley identified Williams as the man who had snatched his watch, and the other as one who seemed to be acting in concert with Williams. Both prisoners were held in default of \$500 bail each to answer.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Lawrence. Nos. 159, 162, 108, 112, 117, 127, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171.

SUPREME COURT—CIRCUIT—Held by Judge Van Brunt. Nos. 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

SUPREME COURT—CIRCUIT—PART 2—Held by Judge Van Brunt. Nos. 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 7